



Greater Lakes
MENTAL HEALTHCARE
A MEMBER OF THE MULTICARE BEHAVIORAL HEALTH NETWORK

May 26, 2022

Frey Buck P.S.
1200 Fifth Avenue Suite 1900
Seattle, Wa. 98101

FAX: 206-902-9660

Attn: Mark R. Conrad, Attorney at Law

RE: Subpoena to produce documents
No. 3:21-CV-05692-LK

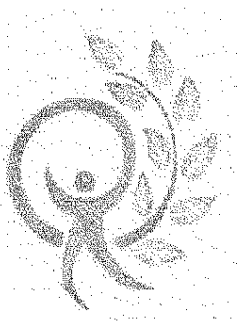
Dear Sir,

Greater Lakes Mental Healthcare/MultiCare Behavioral Health is in receipt of the Subpoena to produce documents was received via in-person server on May 25, 2022 to the Greater Lakes main building, Lakewood Washington.

Pursuant to the requirements of C.F.R. 45 (C), 42 C.F.R. Part 2, RCW 70.02.230 2o, and RCW 5.56.010, Greater Lakes Mental Healthcare requires a properly executed authorization with any supporting documentation, from next of kin or a Court Order signed by a judge in order to release records, if any, of its Behavioral Health Program or Substance Use Disorder Program. For the disclosure of substance use records, if any exist, a properly executed authorization or a Court Order must meet the requirements of RCW 70.96A.020 and 42 CFR Part 2. If any of this type of sensitive records exist, this response will be supplemented upon receipt of the aforementioned authorizing documents.

Sincerely,

Shannon Zambrano, RHIT
Health Information Manager
Release of Information
Greater Lakes Mental Healthcare
Phone 253-620-5837
Fax 253-620-5008



Comprehensive Life Resources

1305 Tacoma Ave S Suite 201, Tacoma, WA
98402 Phone: (253) 396-5000 Fax: (253) 383-5548

DATE: 06/08/22

TO: FreyBuck, P.S.

RE: Manuel Ellis

DOB: 08/28/1986

SOCIAL SECURITY NUMBER: :

We regret that we are unable to furnish you with the information you have requested due to the reasons checked below:

- ☐ Insufficient information. Please supply the date of birth, middle name, social security number, verification of name spelling, and approximate dates of treatment.
- ☐ The law requires we have a signed release from the consumer, if the consumer is thirteen (13) years of age or older.
- ☐ A thorough search of our files reveals no record of treatment at this mental health center.
- ☐ In accordance with Federal and WAC regulations, a general authorization is not valid. We require specific requests for information regarding mental illness, STD, sexual abuse, HIV, and/or treatment for drug or alcohol dependence.
- ☐ No records for specified date range.
- ☐ Case closed . All records have been purged/destroyed per established retention and preservation RCW 70.41.190.
- ☒ **Other:** -Our facility requires a judicially signed subpoena in order to release records for the client. Please provide us with a judicially signed subpoena or a signed authorization from the client's personal representative with paperwork showing that the personal representative is able to sign for the client. Thank you.

Lynette D'Angelo
Health IT Specialist



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Office of the Secretary
Information Governance
PO Box 45135 • Olympia Washington 98504-5135

May 12, 2022

Mark Conrad
Frey Buck P.S.
1200 Fifth Ave. Suite 1900
Seattle WA 98101

Sent via Secure Email to: mconrad@freybuck.com

Subject: Objection to Subpoena Duces Tecum – Cause No. 20-2-07023-3
DSHS Request Number – 202205 PRR 113

Dear Mark Conrad:

The Department of Social and Health Services (DSHS) received the enclosed Subpoena for Records you sent to the Attorney General's Office on May 9, 2022. You ask for copies of DSHS records about Manuel Ellis.

Any client records held by DSHS about this person would be confidential and privileged under RCW 74.04.060, and other state and federal laws that govern DSHS programs. We must have a valid authorization or court order to allow us to give you client records held by DSHS. Because some parts of DSHS are the health care components of a HIPAA-covered entity and/or are subject to Washington's health care information access and disclosure law, authorizations must meet the requirements of 45 C.F.R. §164.508 and RCW 70.02.030(3). Court orders must be entered after notice to DSHS and must meet the requirements in any applicable confidentiality laws. You have not sent proof of legal authority to allow DSHS to give client records to you.

Because of these privacy laws, we object to the Subpoena under Civil Rule 45(c)(2)(B). We cannot send the records as directed in that document. The enclosed form, if signed by Manuel Ellis, or someone authorized to act for this person, would allow release of that person's DSHS records to you. You can find this Authorization Form 17-063 on the Internet at: <https://www.dshs.wa.gov/fsa/forms>. You may use this form or any other one that meets the HIPAA rule and other state and federal laws. You may send the completed form to me at the locations listed on this letter.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in blue ink that reads "Andrea Sterzer".

Andrea Sterzer
DSHS Public Records Specialist
Phone: 360-902-8484/Fax: 360-902-7855
E-mail: DSHSPublicDisclosure@dshs.wa.gov

Mark Conrad
202205 PRR 113
May 12, 2022
Page 2

Enclosures

cc: Anne Miller, Assistant Attorney General

Mark Conrad

From: Christina K. Taylor <ChristinaKTaylor@seamarchc.org>
Sent: Thursday, June 9, 2022 4:07 PM
To: Mark Conrad
Subject: Insufficient Subpeona

Good Afternoon,

A subpeona issued by an attorney alone is not sufficient when records are sought for substance use disorder treatment records. The federal regulations at 42 CFR Part 2 require a court order.

Seamar has a records department that you can find online. We are not able to help from this building. Thank you!





Cristy, Taylor AAS, SUDP | Clinical Supervisor

Sea Mar Community Health Centers

1415 Center Street, | Tacoma, WA | 98409

P 253-280-9868, Ext 61868 | **F** 253-280-9870

Connect with us on  & 

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Mark Conrad

From: Kawyne Lund <kawyne.lund@piercecountywa.gov>
Sent: Tuesday, May 24, 2022 12:23 PM
To: Mark Conrad
Cc: Peter Helmberger; Stephanie Johnson
Subject: RE: Subpoena to Pierce County Jail, Records in 21-CV-05692-LK
Attachments: Inmate Records Request.pdf; Inmate Medical Records Request.pdf

I'm afraid I spoke too quickly.

Since the records are regarding an inmate, RCW 70.02 (health records) and 70.48 control (non-health records) release of the records. The Pierce County Sheriff's Department can only provide responsive documents once the statutes have been satisfied.

Kawyne Lund
Legal Advisor to the Sheriff
Deputy Prosecuting Attorney
253.798.6247

From: Mark Conrad <mconrad@freybuck.com>
Sent: Tuesday, May 24, 2022 11:36 AM
To: Kawyne Lund <kawyne.lund@piercecountywa.gov>
Cc: Peter Helmberger <peter.helmberger@piercecountywa.gov>; Stephanie Johnson <sJohnson@freybuck.com>
Subject: RE: Subpoena to Pierce County Jail, Records in 21-CV-05692-LK

Appreciate it.

Mark R. Conrad | Attorney

Frey Buck, P.S.
1200 Fifth Avenue, Ste. 1900
Seattle, WA 98101
206-486-8000, Ext. 805
206-902-9660 (Fax)
www.freybuck.com

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From: Kawyne Lund <kawyne.lund@piercecountywa.gov>
Sent: Tuesday, May 24, 2022 11:30 AM
To: Mark Conrad <mconrad@freybuck.com>
Cc: Peter Helmberger <peter.helmberger@piercecountywa.gov>
Subject: RE: Subpoena to Pierce County Jail, Records in 21-CV-05692-LK

My acceptance of service for your May 23 subpoena is attached.

--Kawyne

From: Mark Conrad <mconrad@freybuck.com>
Sent: Monday, May 23, 2022 3:33 PM
To: Kawyne Lund <kawyne.lund@piercecountywa.gov>
Cc: Stephanie Johnson <sjohnson@freybuck.com>
Subject: RE: Subpoena to Pierce County Jail, Records in 21-CV-05692-LK

Hi Kawyne,

Sorry about that, attached is a copy of the subpoena with the specific requested information. Can you fill out the attached acceptance of service and return so that we can avoid having to personally serve this subpoena again?
Thanks!

Mark R. Conrad | Attorney

Frey Buck, P.S.
1200 Fifth Avenue, Ste. 1900
Seattle, WA 98101
206-486-8000, Ext. 805
206-902-9660 (Fax)
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From: Kawyne Lund <kawyne.lund@piercecountywa.gov>
Sent: Monday, May 23, 2022 3:01 PM
To: Mark Conrad <mconrad@freybuck.com>
Subject: Subpoena to Pierce County Jail, Records in 21-CV-05692-LK

Greetings:

Your recent subpoena was forwarded to me as legal advisor to the Sheriff, which includes legal matters involving the jail. In reviewing your subpoena, I cannot determine what you are requesting.
When possible, can you please respond and let me know the nature of your request.

Regards,
Kawyne Lund
Legal Advisor to the Pierce County Sheriff
Deputy Prosecuting Attorney
Pierce County Prosecuting Attorney's Office
253.798.6247
[Kawyne.lund@piercecountywa.gov](mailto:kawyne.lund@piercecountywa.gov)